

## **REMARKS**

### ***Pending claims***

Through this Amendment, claims 1, 7, 9, and 13 have been amended to more clearly point out and distinctly claim the invention. After these amendments are entered, fifteen (15) claims (claims 1-3, 5-10, 12, 13, 15, and 17) are pending.

### ***Rejection of Claims under 35 USC §112***

Claims 1, 7, 9, and 13 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree with the examiner's assertion that the amended "claim(s) contain subject matter which was not described in the specification." As correctly pointed out by the Examiner, the first paragraph on page 4 "teaches [a] mechanical feature[s] to permit the centered optical zone[s] to be carried in the optimum location by the contact lens." (Office action of September 14, 2005, page 2, the last two lines). Further, the paragraph bridging pages 5 and 6 teaches how to maintain the contact lens in the optimum position (or location or placement) for the optical zone to remain substantially in line with true line of sight of the wearer. Therefore, Applicants respectfully submit that the amendments of claims 1, 7, 9, and 13 do not contain new matter and are fully supported by the specification. Applicants respectfully request withdrawal of this rejection.

### ***Rejection of Claims under 35 USC §103***

Claims 1, 2 and 5 were rejected under 35 USC §103(a) as being unpatentable over Payor et al. in view of Tanaka et al. For the following reason, this rejection is respectfully traversed.

First, as discussed above, the newly introduced claim limitation "mechanical features to permit centered optical zones of the contact lens to be carried in optimum position by the contact lens for the centered optical zones to remain substantially in line with the true line of sight of the wearer" is supported by the specification. Second, both cited references, alone or in combination with each other, fail to disclose or suggest anything about mechanical features to permit centered optical zones of the contact lens to be carried in optimum position by the contact lens for the centered optical zones to remain substantially in line with the true line of sight of the wearer. Applicants respectfully submit that the present invention as currently claimed is patentable over Payor et al in view of Tanaka et al., since the primary reference, alone or in combination with the

secondary reference, does not disclose nor suggest all of the limitations of the present invention as currently claimed. Applicants respectfully request withdrawal of this rejection.

Claim 3 was rejected under 35 USC §103(a) as being unpatentable over Payor et al. in view of Tanaka et al. and further in view of Leiberman. Because claim 3 depends upon independent claim 1 which is allowable as discussed above, the dependent claim is narrower in scope and therefore is allowable. As such, the Examiner's rejection is respectfully traversed.

Claim 6 was rejected under 35 USC §103(a) as being unpatentable over Payor et al. in view of Tanaka et al. and further in view of Glady et al. Because claim 6 depends upon independent claim 1 which is allowable as discussed above, the dependent claim is narrower in scope and therefore is allowable. As such, the Examiner's rejection is respectfully traversed.

Claims 7, 9, 10, 12, 13, and 17 were rejected under 35 USC §103(a) as being unpatentable over Blum et al. in view of Tanaka et al. This rejection is respectfully traversed for the following reasons.

As discussed above, the newly introduced claim limitation "mechanical features to permit centered optical zones of the contact lens to be carried in optimum position by the contact lens for the centered optical zones to remain substantially in line with the true line of sight of the wearer" is supported by the specification. Further, the primary reference (Blum et al.) does not disclose nor suggest anything about mechanical features to permit centered optical zones of the contact lens to be carried in optimum position by the contact lens for the centered optical zones to remain substantially in line with the true line of sight of the wearer. The secondary reference (Tanaka et al.) fails to fill the gap left by the primary reference. Therefore, Applicants respectfully submit that the present invention as currently claimed is patentable over Blum et al. in view of Tanaka et al., since the primary reference, alone or in combination with the secondary reference, does not disclose nor suggest all of the limitations of the present invention as currently claimed. Applicants respectfully request withdrawal of the rejection under 35 USC 103(a) of claims 7, 9, 10, 12, 13, and 17.

Claims 8 and 15 were rejected under 35 USC §103(a) as being unpatentable over Blum et al. in view of Tanaka et al. and further in view of Glady et al. Because claim 8 depends upon independent claim 7 which is allowable as discussed above, the dependent claim is narrower in scope and therefore is allowable. Similarly, claim 15 depends upon independent claim 13 which is

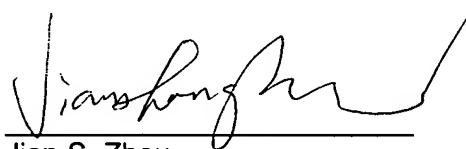
allowable as discussed above, the dependent claim is narrower in scope and therefore is allowable. As such, the Examiner's rejection is respectfully traversed.

### **CONCLUSION**

In view of the foregoing and in conclusion, Applicants submit that the pending claims are now in conditions for allowance. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



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